

ACCEPTS the Findings, Conclusions and Recommendations of the United States Magistrate Judge (docs. 115, 119).


IT IS, THEREFORE, ORDERED that Defendants' Motion to Strike the Expert Report of John Wiechman (doc. 72) is **GRANTED** in part by striking pages 9 and 10 of his report signed on October 12, 2007, except for ¶ 1 of the Summation.

IT IS FURTHER ORDERED that Plaintiffs' trial brief request (doc. 78) that a default judgment in their favor be entered is **DENIED** and, in the alternative, their request for application of an adverse inference based on their spoliation assertion is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Re-Hearing, Request for Clarification, and Motion for Leave and Brief (doc. 116) are **DENIED**.

SO ORDERED.

SIGNED April 23, 2008



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE